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TO: U.S. Patent and Trademark Office

TELEFAX #: (703) 872-9306

ATTENTION: Examiner Vo

DATE: June 10, 2005

TIME: 4:10 p.m.

NUMBER OF PAGES: 3 total page(s) (including this cover)

FROM: Rochelle Lieberman, Esq.

RE: Application Serial No. 09/898,978

DESCRIPTION: Request for Reissuance of Office Action

COMMENT:

Voice Confirmation Required:

☐

Yes

☒

No

Original to Follow by Mail/Courier:

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Yes

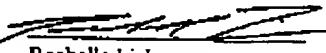
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<u>6/10/2005</u> Date of Deposit	 Rochelle Lieberman

PATENT

Atty Docket No.: BEA9-2001-0009-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bower

SERIAL NO.: 09/898,978

FILING DATE: July 2, 2001

FOR: Method Of Launching Low-Priority Tasks

Group Art Unit: 2127

Examiner: Vo, Lilian

Letter Regarding Premature Final Rejection

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

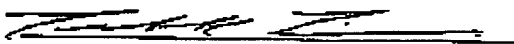
Sir:

In response to the Final Office Action dated April 13, 2005, Applicant respectfully requests reconsideration of the finality status placed on the application. The Response to the First Office Action did not contain an amendment of any of the pending claims, and did not include any additional claims. However, in the Second Office Action, the Examiner for the first time raises an issue with the structure of the claims. "Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)." MPEP §706.07(a). Following receipt of the Second Office Action, Applicant's Attorney telephoned the Examiner on April 26,

2005 to raise their objection of the finality status placed on the application. The Examiner indicated she did not have the authority to remove the finality status and suggested I speak with her Supervisor, at which time she also indicated that her Supervisor would be on vacation through May 4, 2005. Upon the Supervisor's return from vacation, I called and left a message on her voice mail indicating our position and requesting removal of the finality status. On May 16, 2005, Examiner Vo telephoned my office to tell me she would reissue the Office Action. To date our office is not in receipt of a reissued Office Action to replace the Office Action dated April 13, 2005. I spoke with both Examiner Vo and her Supervisor today to determine the status, which they both indicated cannot be determined at this time. However, given the indeterminative nature of the status of the reissuance of the Office Action, Examiner Vo requested submission of this letter and indicated that she will reissue the Office Action and reset the response date in response to this written request.

For the reasons outlined above, reissuance of the Second Office Action and a reset of the Office Action date are respectfully requested.

Respectfully submitted,

By: 
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Attorney for Applicant

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